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6 **UNITED STATES DISTRICT COURT**  
7 **DISTRICT OF NEVADA**

8 LAVERN CHARLES FASTHORSE,  
9

10 *Petitioner,*

11 vs.

12 DONALD J. TRUMP, *et al.*,

13 *Respondents.*

2:17-cv-00647-APG-VCF

14  
**ORDER**

15 Petitioner, a Nevada prisoner, has filed a petition for writ of habeas corpus pursuant to 28  
16 U.S.C. § 2254. ECF No. 1. Petitioner has failed to submit an application to proceed *in forma pauperis*  
17 or pay the filing fee. Accordingly, this matter has not been properly commenced. 28 U.S.C. §  
18 1915(a)(2) and Local Rules LSR1-1, 1-2.

19 Thus, the present action will be dismissed without prejudice to the filing of a habeas petition  
20 pursuant to 28 U.S.C. § 2254 on the form required by this court in a new action with either the \$5.00  
21 filing fee or a completed application to proceed *in forma pauperis* on the proper form with both an  
22 inmate account statement for the past six months and a properly executed financial certificate.

23 **IT IS THEREFORE ORDERED** that this action is dismissed without prejudice to the filing  
24 of a petition in a new action with either the \$5.00 filing fee or a properly completed application form  
25 to proceed *in forma pauperis*.

26 **IT IS FURTHER ORDERED** that a certificate of appealability is denied, as jurists of reason  
27 would not find the court's dismissal of this improperly commenced action without prejudice to be  
28 debatable or incorrect.

1       **IT IS FURTHER ORDERED** that the Clerk shall send petitioner two copies each of an  
2 application form to proceed *in forma pauperis* for incarcerated persons and a noncapital Section 2254  
3 habeas petition form, one copy of the instructions for each form, and a copy of the papers that he  
4 submitted in this action.

5           **IT IS FURTHER ORDERED** that the Clerk shall enter judgment accordingly and close this  
6 case.

7 || DATED: March 22, 2017.

**UNITED STATES DISTRICT JUDGE**